

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LANDON M. PRICE,
Plaintiff

vs

Case No. 1:12-cv-360

Dlott, J.
Litkovitz, M.J.

RICHARD K. JONES, SHERIFF, et al.,
Defendants.

**REPORT AND
RECOMMENDATION**

Plaintiff filed this action pro se under 42 U.S.C. § 1983 alleging a violation of his constitutional rights.

On February 24, 2014, a Court order mailed to plaintiff was subsequently returned to the Clerk by the United States Postal Service as “Undeliverable.” (Doc. 47, docket entry of February 24, 2014). Plaintiff was previously notified by the Court’s Order of May 21, 2012, that he must inform the Court promptly of any changes of address which occur during the pendency of this lawsuit. (Doc. 4).

On February 25, 2014, the Court ordered plaintiff to show cause in writing within fifteen (15) days why this Court should not dismiss this case for lack of prosecution. (Doc. 48). The February 15, 2014 Order, which was sent by certified mail to plaintiff, was returned by the United States Postal Service as “undeliverable.” (Doc. 50). A review of the Boone County Jail website indicates that plaintiff no longer resides at that facility. *See* <http://www.boonecountyky.org/jl/InmateStatus> (last visited on March 4, 2014). As of this date, plaintiff has failed to advise the Court of his current address.

Failure of a party to obey an Order of the Court warrants invocation of the Court’s

inherent power to *sua sponte* dismiss civil actions. *See* Fed. R. Civ. P. 41(b). District courts have this power to dismiss civil actions for want of prosecution to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). By failing to keep the Court apprised of his current address, plaintiff demonstrates a lack of prosecution of his action and a failure to obey a Court order. Accordingly, dismissal is appropriate.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff’s complaint be dismissed with prejudice.
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of any Court Order adopting this Report and Recommendation would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Date: 3/4/14


Karen L. Litkovitz, Magistrate Judge
United States District Court

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
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| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature</p> <p>X <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> |
| <p>1. Article Addressed to:</p> <p>Landon M Price Boone County Jail Po Box 898 Burlington, KY 41005</p> | <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>2. Article Number (Transfer from service label)</p> | <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
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